

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government, to which was referred House Bill No. 1230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, delete lines 14 through 32, begin a new line block indented
2 and insert:
3 **"(3) After December 31, 2009, a newspaper or qualified**
4 **publication may, effective January 1 of any year, increase the**
5 **basic charges that were in effect during the previous year by**
6 **the least of the following:**
7 **(A) An amount equal to the average of the annual**
8 **percentage change in the Consumer Price Index for all**
9 **Urban Consumers (or any successor index), as published**
10 **by the United States Bureau of Labor Statistics, for each**
11 **twelve (12) month period ending June 30 of the preceding**
12 **six (6) years.**
13 **(B) Two percent (2%).**
14 **(C) The maximum annual percentage increase in the**
15 **spending of political subdivisions for the year under any**
16 **spending cap limit enacted into law. However, this clause**
17 **does not apply if such a cap or limit has not been enacted."**
18 Page 3, between lines 38 and 39, begin a new paragraph and insert:
19 **"(d) A newspaper may not charge a fee for posting a notice on**
20 **the newspaper's Internet web site under this section."**
21 Page 11, after line 9, begin a new paragraph and insert:

"SECTION 11. IC 36-4-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) This section applies only to second class cities.

(b) The city executive shall appoint:

- (1) a city controller;
- (2) a city civil engineer;
- (3) a corporation counsel;
- (4) a chief of the fire department;
- (5) a chief of the police department; and
- (6) other officers, employees, boards, and commissions required by statute.

(c) The board of public works and safety may be composed of three (3) members or five (5) members appointed by the executive. A member may hold other appointive positions in city government during the member's tenure. IC 36-4-11-2 applies to board member appointments under this section. The executive shall appoint a clerk for the board.

(d) If the board of public works and board of public safety are established as separate boards, each board may be composed of three (3) members or five (5) members who are appointed by the executive. A member may hold other appointive positions in city government during the member's tenure. The executive shall appoint a clerk for each board.

(e) If the executive:

- (1) increases the number of members of a board of public works and safety, a board of public works, or a board of public safety from three (3) to five (5) members; or
 - (2) decreases the number of members of a board of public works and safety, a board of public works, or a board of public safety from five (5) to three (3) members;
- the city shall publish notice under IC 5-3-1 of the increase or decrease in members and state the total number of members appointed to the board.

SECTION 12. IC 36-4-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies only to third class cities.

(b) The city executive shall appoint:

- (1) a city civil engineer;

- 1 (2) a city attorney;
 2 (3) a chief of the fire department;
 3 (4) a chief of the police department; and
 4 (5) other officers, employees, boards, and commissions required
 5 by statute.
- 6 (c) **The board of public works and safety consists of three (3) or**
 7 **five (5) members (as determined by the city executive).** The
 8 members of the board of public works and safety are:
 9 (1) the city executive; and
 10 (2) two (2) **or four (4)** persons appointed by the executive.
- 11 **If the executive increases the number of board members from**
 12 **three (3) to five (5) members or decreases the number of board**
 13 **members from five (5) to three (3) members, the city shall publish**
 14 **notice under IC 5-3-1 of the increase or decrease in members and**
 15 **state the total number of members appointed to the board.**
 16 IC 36-4-4-2 notwithstanding, a member may hold other appointive or
 17 elective positions in city government during the member's tenure.
 18 IC 36-4-11-2 applies to board member appointments under this section.
 19 The city clerk is the clerk of the board.
- 20 (d) If the city legislative body adopts an ordinance under IC 36-4-12
 21 to employ a city manager, the executive may appoint the city manager
 22 to a position on the board of public works and safety in place of the
 23 executive."
 24 Renumber all SECTIONS consecutively.
 (Reference is to HB 1230 as printed February 20, 2009.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Lawson C

Chairperson